

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

DENNESS R. ELLIS,

Plaintiff,

v.

LIBERTY MUTUAL FIRE INSURANCE
COMPANY, et al.,

Defendants.

CASE NO: 2:06CV421-DRB

NOTICE OF REMOVAL

Comes now defendant Liberty Mutual Fire Insurance Company, (hereinafter referred to as Liberty Mutual) the named defendant herein and gives notice with full reservation of all defenses that this cause is hereby removed from the Circuit Court of Bullock County, Alabama, to the United States District Court for the Middle District of Alabama, Northern Division. As and for the basis for this Notice of Removal, Defendant shows unto the Court as follows:

1. This lawsuit is a civil action within the meaning of the Acts of Congress relating to removal of cases.
2. On or about April 3, 2006, plaintiff commenced the above-styled action by filing a complaint against defendant Liberty Mutual and co-defendant Mary Austin.
3. The removal of this action is based upon diversity of citizenship. This Court has original jurisdiction of this case under 28 U.S.C. § 1332 (a). Because there exists complete diversity of citizenship between plaintiffs and all served

defendants and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs.

4. Upon information and belief, plaintiff is a resident of the state of Alabama.
5. Defendant Liberty Mutual is a Massachusetts Corporation with its principal place of business in Massachusetts.
6. The residence of defendant Mary Austin is unknown at this time.
7. The amount in controversy requirement is satisfied in this case based on the plaintiffs' pleadings. The plaintiff is pursuing negligence and wantonness claims against defendant Austin for injuries the plaintiff allegedly sustained in an automobile accident. In addition, plaintiff requests damages for medical expenses both past and future, personal injury, mental anguish, and emotional distress. The plaintiffs have also attached a contract claim for uninsured/underinsured motorist benefits against Liberty Mutual Insurance Company, asking for compensatory damages, punitive damages and any other relief the Court feels appropriate.
8. When plaintiffs make an unspecified claim for damages, the removing party need only show by a preponderance of the evidence that the amount in controversy exceeds the jurisdictional limit of this Court for purposes of diversity jurisdiction. *Tapscott v. MS Dealer Service Corporation*, 77 F. 3rd 1353, 1359 (11th Circuit 1196). The plaintiff is seeking damages for personal injury, past and future medical costs, lost wages, mental anguish and stress.

9. Based on the pleadings, it seems likely that the total amount in controversy exceeds \$75,000.00, exclusive of interests and costs.
10. No pleadings or other actions have been taken by this defendant in the Circuit Court of Bullock County.
11. This notice is filed within 30 days of receipt of service of a copy of the complaint by certified mail on April 10, 2006.
12. Venue is proper in the Middle District of Alabama, Northern Division, pursuant to 28 U.S.C. Ch. 5 § 81, as Bullock County is the place where the alleged incident occurred and is within this district's and division's boundaries.
13. Pursuant to 28 U.S.C. §1446 (d), defendant has sent written notice of removal to plaintiff and has filed a copy of this notice with the clerk of the Circuit Court of Bullock County. Copies of all pleadings filed in the Bullock County Circuit Court are attached hereto as "Exhibit A". Wherefore, defendant, Liberty Mutual Fire Insurance Company, respectfully submits that this matter has been properly removed from the Circuit Court of Bullock County, Alabama, and requests that this Court take proper jurisdiction of this matter in the United States District Court for the Middle District of Alabama, Northern Division.

Respectfully submitted this 5th day of May, 2006.



JOSEPH T. CARPENTER (CAR-038)
Attorney for Defendant

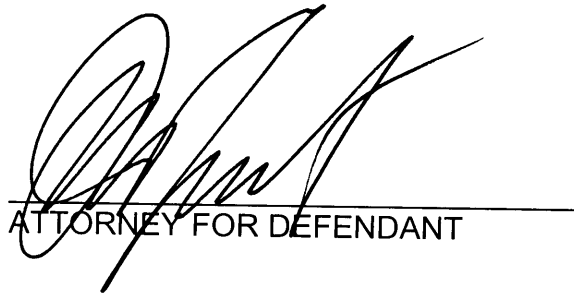
OF COUNSEL:

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CERTIFICATE OF SERVICE

This is to certify that a copy of the above and foregoing was served upon the below listed counsel of record by placing a copy of same in the U. S. mail, postage prepaid and properly addressed this 8th day of May, 2006.

Christina D. Crow
Jinks, Daniel & Crow, P. C.
P. O. Box 330
Union Springs, AL 36089



ATTORNEY FOR DEFENDANT